IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION STUDENT-ATHLETE CONCUSSION INJURY LITIGATION – SINGLE SPORT / SINGLE SCHOOL (FOOTBALL)	)))))))))	**MDL No. 2492** **Master Docket No. 1:16-cv-08727** **This Document Relates To: All Cases** **Judge John Z. Lee** **Magistrate Judge M. David Weisman**

JOINT MOTION FOR AN EXTENSION OF TIME

Plaintiffs Kerry Bonds, et al. ("Plaintiffs") and Defendants National Collegiate Athletic Association, et al. ("Defendants," and collectively with Plaintiffs, the "Parties"), through their counsel, jointly and respectfully request an extension of time vis-à-vis the existing schedule for the selection of sample cases, as more fully addressed below. In support of this motion, the Parties state as follows:

1. On November 30, 2016, the Court entered a Case Management Schedule in the above-captioned matter. See Case Management Schedule (Dkt. #91). The Case Management Schedule directed the Parties to select four (4) sample cases in order "to test the viability of the Single Sport/Single School cases through class certification." Id. at 3. Pursuant to the Case Management Schedule, Plaintiffs are to select the first sample case; Defendants are to select the second sample case; Plaintiffs are to select the third sample case; and Defendants are to select the fourth sample case. See id. at 3. The Parties are to then file with the Court their selection of sample cases. See id. at 4.

2. Under the present schedule, Plaintiffs are to select the first sample case by Monday, April 24, 2017; Defendants are to select the second sample case by Wednesday, April 26, 2017; Plaintiffs are to select the third sample case by Saturday, April 29, 2017; and Defendants are to select the fourth sample case by Tuesday, May 2, 2017. See Minute Entry

(Dkt. #168). The Parties are to then file with the Court their selection of sample cases by Monday, May 8, 2017, and a status hearing is currently set before the Court on May 11, 2017. See id.; see also Minute Entry (Dkt. #162).

3. As Plaintiffs' counsel informed the Court at a March 28, 2017 status hearing, they anticipate that approximately fifty (50) additional bodily injury class action cases may be filed in the coming months. See Hr'g Tr. (Dkt. #163) at 12:11-14.

4. Since the March 28, 2017 hearing, the Parties have been conferring regarding the potential impact on the sample case selection process of any additional cases that may be filed in this litigation. The Parties continue to believe that four (4) sample cases will be sufficient to test the viability of the Single Sport / Single School cases through class certification. Plaintiffs' counsel, however, expect to file a substantial number of new cases in the next one to one-and-a-half months, and they believe that those new cases may impact the overall representativeness of the case pool from which sample cases will be selected. In light of the substantial number of new cases to be filed in the near future, the Parties agree that they would benefit from an extension of the sample case selection schedule.

5. Under the proposed revised schedule, Plaintiffs' counsel would have until Thursday, June 8, 2017 to file new cases that will be eligible for sample case selection. The Parties agree that contemporaneously with the filing of each new case and in order to expedite sample case selection, Plaintiffs' counsel shall (i) produce to Defendants signed Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Family Educational Rights and Privacy Act ("FERPA") waivers authorizing the release of each new Plaintiff's records to Defendants, (ii) produce to Defendants phase one initial disclosures as set forth in the Case Management Schedule (Dkt. #91) and (iii) have requested any medical records relating to the injuries alleged in each new complaint not already produced with the phase one initial

disclosures, with any such additional records being produced no later than June 30, 2017. Any case filed on or after April 19, 2017 for which the above information is not provided in accordance with the foregoing will not be eligible for sample case selection.

6. Accordingly, the Parties respectfully request that the sample case selection schedule be modified as follows:

a. Complaints to be filed by Thursday, June 8, 2017 in order for those cases to be eligible for sample case selection;

b. Plaintiffs to select first sample case by Tuesday, September 5, 2017;

c. Defendants to select second sample case by Thursday, September 7, 2017;

d. Plaintiffs to select third sample case by Tuesday, September 12, 2017;

e. Defendants to select fourth sample case by Friday, September 15, 2017;

f. Parties to file their selection of sample cases with the Court by Friday, September 22, 2017; and

g. Hearing before the Court on or after October 2, 2017.

WHEREFORE, the Parties respectfully request the extension of the existing schedule for sample case selection described above. The Parties further request whatever other relief the Court deems appropriate.

Dated: April 27, 2017

Respectfully submitted,

By: */s/ Jay Edelson* (w/ consent)
Co-Lead Counsel for Plaintiffs

Jay Edelson
jedelson@edelson.com
EDELSON PC
350 North LaSalle Street, 13th Floor
Chicago, Illinois 60654
Telephone: (312) 589-6370
Facsimile: (312) 589-6378

By: */s/ Johanna M. Spellman*
Counsel for Defendant
National Collegiate Athletic Association

Mark S. Mester
mark.mester@lw.com
Johanna M. Spellman
johanna.spellman@lw.com
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767

Sol Weiss
sweiss@anapolweiss.com
ANAPOL WEISS
One Logan Square
130 North 18th Street, Suite 1600
Philadelphia, Pennsylvania 19103
Telephone: (215) 735-2098
Facsimile: (215) 875-7701

Shannon M. McNulty
smm@cliffordlaw.com
CLIFFORD LAW OFFICES
120 North LaSalle Street, Suite 3100
Chicago, Illinois 60602
Telephone: (312) 899-9090
Facsimile: (312) 345-1565

Liaison Counsel for Plaintiffs

By: */s/ Michael A. Olsen* (w/ consent)
Lead Counsel for Conference Defendants

Michael A. Olsen
molsen@mayerbrown.com
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 782-0600
Facsimile: (312) 701-7711

By: */s/ Matthew A. Kairis* (w/ consent)
Lead Counsel for Member Institution Defendants

Matthew A. Kairis
makairis@jonesday.com
JONES DAY
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
Telephone: (614) 469-3939
Facsimile: (614) 461-4198

CERTIFICATE OF SERVICE

I, Johanna M. Spellman, certify that on April 27, 2017, a true and correct copy of the foregoing JOINT MOTION FOR AN EXTENSION OF TIME was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

/s/ Johanna M. Spellman
johanna.spellman@lw.com
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, Illinois, 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767